



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Diane L. Deering; Bradley E. Deering Confirmation :No.: 2687
App. No.: 09/805,539
Filed: March 13, 2001
Title: PILLOW BLANKET
Art Unit: 3673
Examiner: F. Conley

Docket No.: D15-003-02-US
Customer No: 22,854

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant request review of the final rejection of the above-identified application. No amendments are being filed with this request.

REMARKS/ARGUMENTS

Claim rejections under 35 U.S.C. § 103(a)

1) Claims 14 and 17-22 have been rejected as being unpatentable over U.S. Patent

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. § 1.8(a))

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Date: March 10, 2006

James R. Hakomaki
JAMES R. HAKOMAKI
(type or print name of person certifying)

No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes) and further in view of U.S. Patent No. 4,375,111 (Hall).

As explained on pages 6-13 of the previous response, the Examiner has failed to show proper motivation for modifying the base reference of Rudy in view of Wilkes and further in view of Hall. The differences between the prior art and Applicant's invention can be summarized as follows:

- a) **Rudy** does not provide a pocket for the bottom or inner facing surfaces of his relaxation article.
- b) **Rudy** does not show or disclose that his relaxation article is convertible between a blanket and a pillow.
- c) **Rudy** does not show or disclose an elongated middle portion having a width that is wholly divisible into the width of his relaxation article.
- d) **Rudy** does not show or disclose an elongated middle portion that extends the length of his relaxation article along a longitudinal centerline.
- e) **Rudy** discloses a pocket; however the bottom edge of his pocket is not substantially coincident with the bottom edge of his relaxation article.
- f) The length of the bottom edge of **Rudy's** pocket does not substantially define the width of the middle portion of his relaxation article.
- g) **Rudy's** pocket is not designed to receive at least one lower appendage of a user.
- h) **Rudy's** pocket is not designed to receive a substantial portion of his relaxation article so that his relaxation article may be converted into a pillow.
- i) **Rudy** does not show or disclose sleeves that extend away from each other when the article is arranged in a generally planar configuration.
- j) **Wilkes** does not show or disclose that his lap robe is convertible between a blanket and a pillow.



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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		<i>D15-003-02-L25</i>
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>MARCH 10, 2006</u></p> <p>Signature <u>James R. Hakomaki</u></p> <p>Typed or printed name <u>JAMES R. HAKOMAKI</u></p>		
<p>Application Number</p> <p><i>09/805,539</i></p>		Filed
<p>First Named Inventor</p> <p><i>DIANE DEERING</i></p>		
<p>Art Unit</p> <p><i>3673</i></p>		Examiner
		<i>F. CONLEY</i>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

MARCH 10, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

- k) **Wilkes** does not show or disclose an elongated middle portion having a width defined by longitudinal fold lines so that it is wholly divisible into the width of his lap robe.
- l) **Wilkes** does not show or disclose an elongated middle portion that extends the length of his lap robe along a longitudinal centerline.
- m) The bottom edge of **Wilkes'** foot piece is not substantially coincident with the middle portion of his lap robe.
- n) **Wilkes'** apertures are not configured to allow an upper appendage to protrude substantially through his lap robe.
- o) **Wilkes** does not show or disclose sleeves.

There is no teaching, suggestion, or motivation to modify the base reference of Rudy in view of the reference of Wilkes.

- p) Hall discloses two versions of a convertible mat and carrying bag. In one version, the mat and bag are completely separate. In the other version, there is a panel that is attached to a corner of the mat. Note that when the mat is in the unfolded state, there is no pocket. A pocket is only formed after the mat has been folded into the lower corner of the mat that contains the panel.

There is no teaching, suggestion, or motivation to modify the combined references of Rudy and Wilkes in view of the reference of Hall.

- 2) Claim 23 has been rejected as being unpatentable over U.S. Patent No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes), U.S. Patent No. 4,375,111 (Hall), and further in view of U.S. Patent No. 6,219,847 (Aikins).

As explained on pages 14-15 of the previous response, the Examiner has failed

to show proper motivation for modifying the base reference of Rudy, in view of Wilkes, Hall, and Aikins.

There is no teaching or suggestion in the references of Rudy or Aikins that their cuffs could be made of expandable material, nor is there any motivation to do so. There is only a conclusory assertion by the Examiner, using Applicant's disclosure as a roadmap, that it would have been obvious to provide the combination of Rudy, Wilkes, Hall, and Aikins with expandable cuffs.

3) Claims 15, 16, and 24 have been rejected as being unpatentable over U.S. Patent No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes), U.S. Patent No. 4,375,111 (Hall), and further in view of U.S. Patent No. 6,006,356 (Song).

As explained on pages 15-17 of the previous response, the Examiner has failed to show proper motivation for modifying the base references of Rudy, in view of Wilkes, Hall, and further in view of Song.

Song shows and discloses a wraparound garment that is configured to be wound about the torso of a user. There is a plurality of apertures that are configured to receive a user's arms. The apertures have elongated axes; however, the axes of Song's apertures are not parallel to the longitudinal centerline of Song's garment. This is because the longitudinal centerline of Song extends from edge 30 to edge 35 along the longest dimension of the garment. Song's elongated or long axes of Song's openings (15, 20, and 25) are perpendicular to the longitudinal centerline of his garment and extend between edges 45 and 65.

There is no motivation to provide oblong apertures as taught by Song to the combination of Rudy, Wilkes and Hall, other than the Examiner's conclusory assertion

that it would have been obvious.

CONCLUSION

On the basis of the foregoing remarks and arguments of record, applicant respectfully submits that claims 14-24 are in condition for allowance and Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Alternatively, if the Examiner is of the opinion that prosecution of the application may be expedited by a telephonic interview, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,
For the Applicant
By his Attorneys,

Customer Number

22854

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Date March 10, 2006

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